

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Paul Haughwout Art Unit : 3627
 Serial No. : 09/819,899 Examiner : Maria Thein
 Filed : March 29, 2001 Conf. No. : 5374
 Title : SMART TRANSFER

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 Commissioner for Patents
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SUPPLEMENTAL REPLY TO ACTION OF DECEMBER 15, 2006

In reply to the Final Office Action of December 15, 2006, Applicant submits the following remarks.

Independent claims 90, 107, 120, and 136, along with their dependent claims 94, 96, 97, 111, 112, 124, 125, and 137-153 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,553,113 ("Dhir") in view of U.S. Patent Number 6,665,644 ("Kanevsky").

As preliminary matter, Applicant notes that the Advisory Action fails to address the substance of the arguments that Applicant previously asserted to overcome the above rejection in Applicants' response to the Final Office Action. Instead, the Advisory Action rejects independent claims 90, 107, and 120 based on almost exactly the same reasoning that was previously set forth in the Final Office Action. Furthermore, the Advisory Action fails to address the new arguments presented with respect to independent claims 133-136. As such, Applicant is unable to glean from the Advisory Office Action any insight as to why the Examiner did not find the arguments previously submitted by Applicants convincing. In order to expeditiously advance prosecution and make a determination whether filing an appeal brief in this case is necessary, Applicant kindly requests that the Examiner addresses the merits of the following three arguments, which were previously raised in the Applicant's response to the Final Office Action. Applicant only wishes to use the appeal process in situations in which both the Applicant and the Examiner understand fully each others position but simply disagree. At this point, Applicant does not understand the Examiner's position with respect to the below

Not to be entered
 5-12-07